



Environmental Justice Discussion

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Presentation Overview

- My Role
- Governor Snyder's EJ Work Group and EJ Initiatives
- Federal Requirements
- EPA Complaints
- DEQ Policies



Environmental Justice and Tribal Liaison Roles

- Investigate discrimination/EJ complaints
- Develop and implement EJ policies
- Ensure EJ is incorporated into DEQ decisions and programs
- Assist with planning public meetings/hearings
- Develop training
- Serve as liaison between DEQ and EJ communities/organizations
- Communication and outreach
- Participate in Governor's EJ Interagency Work Group





Governor Snyder's EJ Initiatives

- Environmental Justice Work Group
 - Est. based on recommendations from Flint Advisory Task Force and Flint Water Interagency Coordinating Committee's Policy Subcommittee
 - Representatives of environmental, business, EJ, Tribal, local and state government, and academia
 - Purpose: recommend guidance, training, curriculum, and policy for state and local agencies that improve EJ awareness and engagement

Governor Snyder's EJ Initiatives Cont.

- Environmental Justice Work Group Report
 - 33 recommendations
 - Includes 9 guidance, training and curriculum recommendations; and 24 policy recommendations
 - Essential guidance:
 - Environmental justice ombudsman in the Governor's office
 - Interagency working group
 - An environmental justice advisory council
 - An annual EJ summit

Governor Snyder's EJ Initiatives Cont.

- EJ Initiatives
 - Environmental Justice Ombudsman
 - Environmental Justice Interagency Workgroup
 - Comprehensive environmental justice/social equity training for state and local employees
 - Referring several recommendations to Public Health Advisory Council and Childhood Lead Elimination Commission



Governor Snyder's EJ Initiatives Cont.

- Executive Directive 2018-3
 - Goal: Ensuring that every Michigander has the same protections from environmental hazards
 - Review and consider EJ issues
 - Identify and assist State dept. to develop EJ policies and procedures
 - Recommend performance goals and measures
 - Review progress of State departments
 - Interact with Tribal governments
 - Recommend measures to promote EJ
 - Ensure meaningful involvement
 - Promote collaborative problem solving
 - Increase coordination and cooperation btwn dept
 - Est. approach to allow community engagement
 - DEQ tasked with developing training





Title VI of the Civil Rights Act

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”

- 40 CFR Part 7: Nondiscrimination in Programs Receiving Federal Assistance From the EPA
 - Discrimination Prohibited on the Basis of Race, Color, National origin or Sex
 - Discrimination Prohibited on the Basis of Handicap
 - Requirements for Applicants and Recipients
 - Agency Compliance Procedures



Requirements for Applicants and Recipients

- Recipients
 - Compliance information
 - Self evaluation
 - Maintaining compliance information
 - Accessibility of compliance information
 - Coordination of compliance effort
- Grievance procedures
- Notice of nondiscrimination
- Intimidation and retaliation prohibited
- EPA Guidance: Limited English Proficient (2004) and Public Involvement (2006)



EPA Complaints

- Genesee Power Station in Flint 1992
 - Discrimination based on race related to granting permit
 - EPA investigation supported a finding of discriminatory treatment based on race in the public participation process
 - No support of adverse disparate health effects
 - Case resolved and closed in 2017
- US Steel 1998
 - CAA PSD permit for steel recycling mini-mill Genesee County
 - Complaint alleged discriminatory effect resulting from air quality impacts and discriminatory public participation process
 - EPA dismissed complaint after an investigation
- Flint Water 2016
 - Complaint alleging DEQ, Genesee County, and the City of Flint, discriminated on the basis of race and disability with respect to the distribution of contaminated drinking water
 - Case still open

DEQ Commitments

- Training for DEQ Employees
- 09-024 Nondiscrimination in DEQ Programs
 - Compliance with 40 CFR Part 7
 - Nondiscrimination Compliance Coordinator
 - Grievance Procedures
 - Notice of Nondiscrimination
 - Tracking and Annual Review of Complaints Received
- 09-007 Public Involvement in DEQ Programs and Activities
 - Underlying principles:
 - The decision making process should foster fairness, understanding, and engagement
 - The public should have the opportunity for a meaningful role in the DEQ's activities





DEQ Commitments Cont.

- 09-007 Cont.
 - Nondiscrimination Policy/Notice
 - Posted in prominent place in a the building, on the Web site, and on appropriate publications
 - Public Participation
 - DEQ Calendar
 - Solicit information from community to identify needs
 - Community Engagement
 - Develop public participation plans
 - Partner with community organizations to est. steering committees
 - Encourage permit applicants to meet with community stakeholders prior to submission of permit application and to develop a Community Relations Plan
 - DEQ engagement with community leaders, public official, environmental groups, concerned citizens and the affected source

DEQ Commitments Cont.

- 09-007 Cont.
 - Community Engagement
 - DEQ will make fact sheets available
 - Public notices written in terminology and languages easily understood
 - Public Meetings
 - Informational meetings to inform residents
 - Public hearings-provide for interpreter when needed
 - Fact Sheet and Project Summary
 - DEQ provide a plain language summary of major aspects of proposed project
 - Document availability
 - Limited English Proficiently-translation of vital documents four-factor test
 - Factor 1: The number and proportion of LEP persons served or encountered in service area



DEQ Commitments Cont.

- 09-007 Cont.
 - Limited English Proficiently-translation of vital documents four-factor test
 - Factor 2: The Frequency with which LEP Individuals come into contact with DEQ programs, activities and services
 - Factor 3: The importance to LEP persons of program activities and services
 - Factor 4: The resource available to the recipient and costs
 - Accessibility
 - Assure facilities used for public meetings and hearings are physically accessible for individuals with disabilities.
 - Provide meaningful public participation for individuals with disabilities by providing appropriate aids and services.
 - Continuous Improvement

